

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
) CR. No. S-04-0104 DFL
Plaintiff,)
) ORDER
v.)
)
MARK STEVEN ERCKERT,)
)
Defendant.)
_____)

On February 24, 2006, this matter came before the Court for an evidentiary hearing on the defendant's motion to suppress his statement, based upon an alleged Miranda violation by agents executing a search warrant of the defendant's home. The United States was represented by Assistant U.S. Attorneys Philip Ferrari and Jason Hitt; the defendant was represented by Krista Hart, Esq.

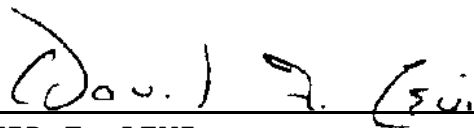
At the hearing, the government offered the testimony of five law enforcement officers who participated in the execution of the search warrant, including Drug Enforcement Administration Special Agent Brian Keefe and Placer County Special Investigations Unit Agent Brandon Olivera. The government also offered various reports written by agents concerning the execution of the search and the defendant's statements, as well as a written Miranda waiver signed by the defendant. The defendant offered the testimony of Ms. Doris Jones, who shared the defendant's residence and was present when the

1 search was executed. Two minors were also present during the
2 execution of the search. The defendant also offered the testimony
3 of Deborah Martell. Ms. Martell testified that she approached the
4 defendant's residence on the morning of the search and heard him ask
5 her to make contact with a person named "Justin," who was identified
6 as the defendant's attorney in an unrelated matter.

7 Following the receipt of evidence and argument by counsel, the
8 Court DENIED the motion for reasons set forth orally and made part
9 of the record. A copy of the portion of the transcript
10 memorializing that ruling and the findings it is based upon is
11 attached to this Order as Exhibit A.

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13 **IT IS SO ORDERED.**

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15 Date: 3/9/2006

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19 DAVID F. LEVI
20 United States District Judge
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